

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

ANDREW PJ WHITAKER, #1984096,	§	
	§	
	§	
Plaintiff,	§	
	§	Case No. 6:19-cv-349-JDK-JDL
v.	§	(Lead Consolidated Case)
	§	
WARDEN KEMPT, et al.,	§	
	§	
Defendants.	§	
	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Andrew Whitaker, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil rights lawsuit under 42 U.S.C. § 1983 alleging violations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On January 26, 2021, Judge Love issued a Report and Recommendation recommending that the Court deny Plaintiff's motion for a preliminary injunction. Docket No. 27. A copy of the Report was sent to Plaintiff and Plaintiff has filed timely objections. Docket No. 29.

Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), superseded on other

*grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Having conducted a de novo review of Plaintiff's motion, the Magistrate Judge's Report, and the Plaintiff's objections, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 27) as the opinion of the District Court and **OVERRULES** Plaintiff's objections (Docket No. 29). The Court hereby **DENIES** Plaintiff's motion for a preliminary injunction (Docket No. 24).

So **ORDERED** and **SIGNED** this 25th day of February, 2021.



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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE